

*The Memorial Service of
Chief Judge Conrad B. Duberstein
November 21, 2005 by
Melanie Cyganowski, U.S.B.J.*

When the phone rang at 11 pm on Friday night and I saw from the caller-id that it was Joe Hurley, our clerk of court, calling, I knew what had happened. He did not have to say anything. We both paused in the silence. We have known for a long time that our Connie was gravely ill. Yet, we held out the hope that somehow, against all reason, knowledge and understanding, that Connie would continue to be with us for many years to come. We hoped against hope that he would be spared the tolling of the bell that rings for us all.

We remember the vitality and life that exuded from him. The renowned wit – the spontaneous bursting into song – in Italian, English or any other language that struck his fancy. We remember him putting on his vaudeville act and dancing the Irish, or was it Jewish, jig. We expected Connie to be the Master of Ceremonies when he was called upon to speak. But, as we all knew, Connie could do any one of these talents – the joke, the song, the dance or the slapstick – wherever he was, whatever the moment: On the street corner, when writing

an obituary for a colleague, when breaking bread with a friend or even before a packed Courtroom when he was presiding.

Yes, Connie was all of these things and more. He was the revered Chief Judge of our Court – indeed, the only one that any of us knew – the brilliant and successful lawyer, the bankruptcy law scholar, and, certainly, the strength and bulwark of his family. He was the ultimate protector of his wife, Anne, for whom he cared and loved deeply. He was the provider for his sisters and mother when the moment called upon him to shoulder this responsibility. He was the benevolent father and grandfather of his daughter, Eliza, and his grand-children. No request could come from any of them that was too big or too crazy or too anything. Whenever called upon by his family, Connie would respond: quickly, enthusiastically and with a magnanimousness that was unbounded.

During the past few days as I have reflected upon Connie, I have come to hear his voice. We would speak at least weekly, and I always knew his call: “Mel,” he would say. “Connie, here.” And then he would proceed to talk about subjects ranging from court administrative concerns to the trees that he was planting in his Upstate home to a journey that he and Anne might be planning to

take to their Puerto Rican apartment. He would share the joys of what his family were doing: whether it was Dimetri learning his first words, or Josie running around her back yard or learning to swim, or Nikki deciding to get married, or Lizzie relocating to Kentucky with her husband, Elias.

Even during these past several months when his health was deteriorating, Connie would start analyzing the new bankruptcy laws and their potential impact upon the people who appeared before him. He cared about how the court was responding to the challenges of the new law and wanted to be as integrally a part of the process as he had always been. I recall one such phone call, in particular, when Anne was driving him back to the City: he shared with me the then most recent results of his CAT-scan, and told me that the results were not as he hoped – but that the doctors believed there was a treatment that would help him. Then, in a blink of an eye, he switched subjects and told me that he had just finished reading the 150-page article that I had sent him which summarized the new law from the clerk's perspective and that he was going to send a note to the senior clerk that had written it to tell him what a good job he had done.

And certainly, not one call would end without him asking about my family – how my mother or aunt or husband or son were feeling, or how I was faring. It mattered not that he might be struggling with taking a breath. As far as Connie was concerned, it was the other person in the conversation who mattered. Perhaps that is why each of us feel -- no matter how long or short our interaction with him might have been, be it 30 years or 30 minutes – that he was truly a special person, a giant standing among his peers and a beacon of life lighting the world around us.

I leave for others to speak of his war-time heroics. He frankly never dwelt upon the actions he took that led to his being awarded the Purple Heart, the Combat Infantry Badge or the Bronze Star Medal. Rather, he recalled the fear of being a young lad, stuck in a ravine filled with water, cold from intense weather. He recalled his Sargent telling him: “Duberstein-boy ... Don’t worry about death. It will come when it will come. Pick up your rifle and march forward and death will take care of itself.”

These memories flooded back to him many times over the past 18 months and he would tell me that he was not worried, that he would not let the

illness “beat” him, that he would trust in his beloved God and he would listen to the words of his Sargent. He took strength and exhibited a courage that was unrelenting. He would, indeed, soldier forward and face whatever challenges might come his way.

He would read me the Psalm that he read each night, and we would pray together. Let me now conclude by sharing it with you at this time:

Psalm 91

Whoever goes to the Most High for safety,
whoever remains under the protection of the Almighty,
can say to the Lord,
“You are my defender and protector!
You are my God; in you I trust.”

He will surely keep you safe from all hidden dangers,
and from all deadly diseases,
He will cover you with his wings;
you will be safe under his care;
his faithfulness will protect and defend you.
You will not be afraid of dangers at night,
or of sudden attacks during the day,

or of the plagues that strike in the dark,
or of the evils that kill in daylight.

A thousand may fall beside you,
ten thousand all around you,
but you will not be harmed.

You will look and see
how the wicked are punished.

Because you made the Lord your defender,
the Most High your protector,
no disaster will strike you,
no violence will come near your home.

God will put his angels in charge of you,
to protect you wherever you go.

They will hold you up with their hands,
to keep you from hurting your feet on the rocks.

You will trample down lions and snakes,
fierce lions and poisonous snakes.

God says, "I will save those who love me,
and protect those who know me.

When they call to me, I will answer them;
when they are in trouble, I will be with them.

I will rescue them and honor them.

I will reward them with long life,

and will surely save them.”

Good by, Connie. You will be forever in our hearts and in our thoughts, in our words and in our prayers.